

GOOGLE'S MOTION TO STRIKE PORTIONS OF THE MITCHELL PATENT REPORT

Civ. No. CV 10-03561-WHA

Exhibit F

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE, INC.

Defendant.

Case No. 3:10-cv-03561-WHA

**ORACLE'S SECOND  
SUPPLEMENTAL PATENT LOCAL RULE  
3-1 DISCLOSURE OF ASSERTED  
CLAIMS AND INFRINGEMENT  
CONTENTIONS**

Pursuant to Patent Local Rule 3-1 and agreement between the parties, Plaintiff Oracle America, Inc. (“Oracle”) hereby submits the following Second Supplemental Disclosure of Asserted Claims and Infringement Contentions.

Fact discovery is ongoing, and Google has yet to produce substantial quantities of information that may affect Oracle’s infringement contentions. In addition, depositions that are directly relevant to Oracle’s claims of infringement will be scheduled for after the date of this statement. Not all information about the various versions of the Accused Instrumentalities is publicly available. For example, Google has neither released nor produced the source code for Honeycomb, preventing Oracle from analyzing it. Further still, Oracle understands that Google plans to release future versions of the Accused Instrumentalities.<sup>1</sup>

As such, Oracle’s investigation into the extent of infringement by Google is ongoing, and Oracle makes these disclosures based on present knowledge of Google’s infringing activities. In light of the foregoing, Oracle reserves the right to supplement or amend these disclosures as further facts are revealed during the course of this litigation.

## **I. DISCLOSURE OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS.**

### **A. Patent Local Rule 3-1(a) — Asserted Claims.**

Oracle asserts that Defendant Google is liable under Title 35 U.S.C. § 271(a), (b), (c), and (f) for infringement of:

- Claims 11-41 of United States Patent No. RE38,104 (“the ’104 reissue patent”) (infringement claim chart attached as Exhibit A);
- Claims 1, 2, 3, 4, and 8 of United States Patent No. 6,910,205 (“the ’205 patent”) (infringement claim charts attached as Exhibits B-1 and Exhibit B-2);
- Claims 1, 5-7, 11-13, 15, and 16 of United States Patent No. 5,966,702 (“the ’702 patent”) (infringement claim chart attached as Exhibit C);

<sup>1</sup> See, e.g., [http://en.wikipedia.org/wiki/Android\\_\(operating\\_system\)](http://en.wikipedia.org/wiki/Android_(operating_system)) (last visited March 31, 2011) (Android version “Ice Cream” scheduled for 2011 launch).

- 1           • Claims 1-24 of United States Patent No. 6,125,447 (“the ’447 patent”)
- 2           (infringement claim chart attached as Exhibit D);
- 3           • Claims 1-21 of United States Patent No. 6,192,476 (“the ’476 patent”)
- 4           (infringement claim chart attached as Exhibit E);
- 5           • Claims 1-4 and 6-23 of United States Patent No. 6,061,520 (“the ’520 patent”)
- 6           (infringement claim chart attached as Exhibit F); and
- 7           • Claims 1-8, 10-17, and 19-22 of United States Patent No. 7,426,720 (“the ’720
- 8           patent”) (infringement claim chart attached as Exhibit G).

9           **B. Patent Local Rule 3-1(b) — Accused Instrumentalities.**

10          Based on Oracle’s investigation thus far, Oracle accuses the following Accused  
 11          Instrumentalities of infringing the asserted claims specified above in the manner described in  
 12          Exhibits A-G: (i) “Android” or “the Android Platform”;<sup>2</sup> (ii) Google devices running Android;  
 13          and (iii) other mobile devices running Android. Representative examples of Google devices  
 14          running Android include the Google Dev Phones, the Google Nexus One, and the Google Nexus  
 15          S.<sup>3</sup> Representative examples of other mobile devices running Android include HTC’s EVO 4G,  
 16          HTC’s Droid Incredible, HTC’s G2, Motorola’s Droid, and Samsung’s Captivate. Android  
 17          applications, including those written by Google, when built or run will necessarily use the  
 18          infringing functionality in the manner described in Exhibits A-G. For example, application  
 19          developers like Google use the Google-provided dx tool from the Android SDK to convert .class

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 21          <sup>2</sup> “Android” or “the Android Platform” means “Android” as referred to in Google’s Answer  
 22          (Docket No. 32) at Background ¶ 12 and in Google’s Answer to Amended Complaint (Docket  
 23          No. 51) at Background ¶ 12 and at Factual Background ¶¶ 11-17, and includes any versions  
 24          thereof (whether released or unreleased) and related public or proprietary source code, executable  
 25          code, and documentation.

26          <sup>3</sup> See, e.g., JR Raphael, *The Nexus S and Google: Everything There Is To Know*, PCWORLD (Nov.  
 27          11, 2010), available at  
 28          [http://www.pcworld.com/article/210460/the\\_nexus\\_s\\_and\\_google\\_everything\\_there\\_is\\_to\\_know.html](http://www.pcworld.com/article/210460/the_nexus_s_and_google_everything_there_is_to_know.html)  
 (last visited Nov. 29, 2010) (“Today’s buzz is all about the Samsung Nexus S -- a still-  
 under-wraps smartphone believed to be the successor to Google’s Nexus One. According to  
 various leaks, the Nexus S will be a ‘Google experience’ device, meaning it’ll run a stock version  
 of Android without any of those baked-in manufacturer UIs. And, if the latest rumors prove to be  
 true, the Samsung Nexus S will be rocking the as-of-yet-unannounced Android Gingerbread  
 release.”). The “leaks” proved to be true: the Nexus S runs a stock version of Gingerbread.